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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report of the Secretary-General on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 49/197

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 49/197 of 23 December 1994, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions with the Government of Myanmar in order to assist in the implementation of that resolution and in its efforts to achieve national reconciliation, and to report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-first session.

2. As I pointed out to the General Assembly in my report of 25 November 1995 (A/49/716), I consider my role as being one of good offices in order to assist the Government of Myanmar to respond positively to the concerns of the other member States expressed in Assembly resolution 49/197, as distinguished from the fact-finding role of the Special Rapporteur, Professor Yozo Yokota, who has been charged by the Commission to examine the situation of human rights in Myanmar.

3. The Commission will be aware from my report to the Assembly that, following an exchange of letters with the Government of Myanmar and myself, two rounds of talks were held in New York and Yangon in October and November 1994 respectively, between the Minister for Foreign Affairs of Myanmar and my Representatives.

4. Following the adoption of resolution 49/197 by the General Assembly, I requested the Under-Secretary-General for Political Affairs, Mr. Marrack Goulding, to approach the Permanent Representative of Myanmar to the United Nations in New York with the proposal that a new round of talks be held which would enable me to include any positive step taken by the Government in the report that I had to submit to the Commission at its fifty-first session. It was agreed as a result that my Representative would visit Yangon from 6 to 8 February 1995. I designated for this purpose, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs.

5. During his stay in Yangon, my Representative held talks with the Minister for Foreign Affairs of Myanmar, U Ohn Gyaw and with senior officials of the Ministry of Foreign Affairs, visited Chief Justice U Aung Toe and Attorney-General U Tha Tun, Chairman and Vice-Chairman respectively of the National Convention Convening Work Committee and, on the last day of his visit, met with Lieutenant General Khin Nyunt, Secretary One of the State Law and Order Restoration Council (SLORC). Mr. de Soto also visited, at the Government's suggestion, Insein Central Prison.

6. Prior to his departure for Myanmar, my Representative had requested the Myanmar authorities, through the Permanent Representative in New York, to be allowed to meet with Daw Aung San Suu Kyi. While in Yangon he repeated the request. Regrettably, the Myanmar authorities did not find it possible to accede to this request.

7. In his meetings in Yangon, Mr. de Soto further discussed a series of ideas put forward at previous meetings by my Representatives regarding the Government's plans for the establishment of a multi-party democratic system, the composition, procedures and objectives of the National Convention, the situation of Daw Aung San Suu Kyi and other political leaders, the Government's efforts towards the reintegration of the national races in the political life of the country and, in that context, the recent military developments in the Karen (Kayin) State as well as other human rights and humanitarian issues spelt out in General Assembly resolution 49/197 and in the report of the Special Rapporteur to the Commission at its current session (E/CN.4/1995/65).

8. The Myanmar authorities informed my Representative that, although no meetings had been held since the end of October, it was the Government's intention to meet again with Daw Aung San Suu Kyi. They also indicated that they saw no difficulty in agreeing to a memorandum of understanding with the International Committee of the Red Cross (ICRC) once they had ensured that it was not in contradiction with Myanmar's internal legislation, and that they would shortly be submitting amendments, possibly in the form of a counterproposal, to the ICRC draft.

9. My Representative was also informed that over 70 prisoners had been released since the beginning of the year and that others would continue to be released once the Government considered that they no longer posed a threat to the security of the State. Specifically, Mr. de Soto was handed the names and

other particulars of 18 persons, convicted under the 1950 Emergency Provisions Act, the 1908 Unlawful Association Act or section 122 (1) of the Penal Code, who had been released under section 401 (1) of the Criminal Procedure Code during his visit. A number of those persons are representatives of the National League for Democracy (NLD) elected in 1990 who had been included in a list of elected representatives in prison handed to the Government by Mr. Rafeeuddin Ahmed when he visited Yangon in November 1994.

10. The Government of Myanmar and my Representative have agreed that a new round of talks will take place in the spring in the course of a visit to New York by the Minister for Foreign Affairs of Myanmar.